

REMARKS

In response to the above-identified Office Action Applicant has amended independent claim 1 and cancelled dependent claim 7 for the purpose of putting the application in condition for allowance. With this amendment, claims 1-10 remain pending, of which claim 7 has been cancelled.

The present invention provides a method of user interaction with the World Wide Web such that the invention simulates a virtual world so as to graphically and functionally restore the user's sense of proximity or distance while surfing on the web.

A visitor to the virtual world is presented with a two- or three-dimensional depiction of a geographic terrain and a means of virtual locomotion. A user icon is provided as a visual representation of the user in the virtual world. Each icon includes unique configurations that may be chosen by the user from a selection of predetermined icons or created based on user profile information. A user's icon is moved about the virtual world in the direction of various destinations represented by appropriate graphic designations appearing on the web page. Subsequent web pages are downloaded to the user's computer and cached so that as the user's icon arrives at the graphics representing a subsequent page and clicks on that graphic, the subsequent page could be instantly displayed eliminating the annoying delay often experienced when linking to a subsequent page associated with a web site.

Various metrics are used, including common and customized metrics, to enhance user interactions with the web page(s). The customized metrics, which are based upon visitor profiles and/or interaction histories, are attached to a visitor for determining how the view of the virtual world is constructed relative to that visitor. The concepts of profiling, metrics, caching, and the use of graphic entry portal may be used independently or in a wide variety of

combinations to provide an idealized living environment for web surfers thereby optimizing their web experience.

Claims 1-4 and 8 are rejected under 35 USC §102(e) as being anticipated by Matsuda U.S. Patent No. 6,346,956. Applicant respectfully traverses with this as a basis for rejection.

Independent claim 1 has been amended to include additional limitations that were represented in now cancelled claim 7. Particularly, claim 1 now includes the steps of predicting a next location where a visitor might traverse within the virtual world based upon previous symbol movements and caching information to provide a more immediate presentation of the next location to be visited by the user. Applicant submits that the Matsuda '956 reference does not disclose a virtual world internet web site whereby the web site provides the above-described limitations relative to predicting the visitor's movement within the virtual world and caching information to provide a more immediate presentation of the next location to be moved to in the virtual world.

Anticipation has always been held to require absolute identity and structure between the claim structure and a structure disclosed in a single reference.

In *Hybritech Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d 1367, 231 USPQ 81 (Fed. Cir. 1986) it was stated:

For prior art to anticipate under §102 it has to meet every element of the claimed invention.

Applicant submits that independent claim 1 as amended includes elements not disclosed in the '956 reference and as such this reference cannot be used to form the basis for an anticipation rejection. As such Applicant respectfully requests that this reference be withdrawn as a basis for rejection.

35 USC §103

Claims 5 and 6 are rejected under 35 USC §103 as being unpatentable over Matsuda in view of Cheng U.S. Patent No. 6,396,509.

Applicant submits that independent claim 1 as amended now includes additional limitations not taught or suggested by the combination of the Matsuda and Cheng references. Independent claim 1 now includes the further limitations of predicting the next location where a visitor might traverse and caching information to provide a more immediate presentation of subsequent locations to the user while traveling through the virtual world.

Before two or more references may be combined to negate patentability of a claimed invention, at least one of the references must teach or suggest the benefits to be obtained by the combination.

In *Ashland Oil Inc. v. Delta Resins & Refractories Inc. et al.*, 776 F.2d 281, 297; 227 USPQ 657, 667, the court concluded:

Obviousness, . . . , cannot be established by combining the teachings of the prior art to produce the claimed invention unless there was some teaching, suggestion, or incentive in this prior art which would have made such a combination appropriate.

The court cited *ACS Hospital Systems, Inc. v. Montefiore Hospital*, 732 F.2d 1572, 1577 in support of its ruling.

Applicant submits that without a requisite suggestion or teaching in the above-cited references, a *prima facie* for a rejection of obviousness cannot be sustained. As such, Applicant respectfully requests that this be withdrawn as a basis for rejection.

Claim 7 is rejected under 35 USC §103 as being unpatentable over Matsuda in view of Brady et al. U.S. Patent No. 5,434,927. Applicant respectfully traverses with this as a

grounds for rejection on the basis that Brady et al. is non-analogous art and should not be used as a reference to reject the present application.

In determining whether prior art is analogous two criteria are set forth as measures to be used in the evaluation of the prior art reference. First, it must be determined “whether the art is from the same field of endeavor...” and second “if the reference within the inventor’s field of endeavor whether the reference is still reasonably pertinent to the particular problem with which the inventor is involved.” *In re Dominski*, 796 F.2d 436, 422.

Applicant’s field of endeavor relates to providing a method for presenting users of the World Wide Web with more lifelike metrics. The Brady et al. reference relates generally to systems used for traffic detection, monitoring, management, and vehicle classification and tracking. Particularly, the invention is directed to a method and apparatus for classifying and tracking objects and images provided by real-time video from machine vision. Clearly one who seeks to provide a more realistic experience to a user surfing the web cannot be considered to practice in the same field of endeavor as one who seeks to provide an improved method for traffic detection and management. However, Applicant realizes that although the endeavors of the respective inventors are separate and distinct that the Brady et al. reference may still be determined to be analogous if the reasonably pertinent to the particular problem with which the inventor is involved.

Applicant’s invention addresses problems associated with surfing the web, particularly those problems relative to a user’s unexercised sense of proximity or distance while surfing on the web. Additionally, Applicant’s method addresses the problem of time delay associated with a user’s web surfing experience due to the time it takes to connect to and display subsequent web pages.

The Brady et al. reference addresses problems associated with maintaining and improving traffic detection, management and safety. The Brady reference seeks to overcome the disadvantages associated with the conventional point detection devices used in the collection of data related to traffic incidents, such as accidents and congestion. Applicant submits that the problems that the Brady et al. reference seeks to address are unrelated to the problems being addressed by Applicant's invention. As such, the differences in the fields of endeavor and the particular problem with which the inventors are involved preclude a finding of obviousness in view of the Brady et al. reference because it is not analogous art. Accordingly, Applicant respectfully submits that this be withdrawn as a basis for rejection.

Claim 9 is rejected under 35 USC §103 as being unpatentable over Matsuda in view of Leahy et al. U.S. Patent No. 6,219,045.

Independent claim 1 has been amended to include further limitations that are non-obvious in view of a combination of the Matsuda and Leahy et al. references. As referred to above, "obviousness, ... cannot be established by combining the teachings of the prior art to produce the claimed invention unless there is some teaching, suggestion, or incentive [to make] such a combination appropriate." *Ashland Oil*, 227 USPQ at 667. The Matsuda and Leahy et al. references combined do not teach or suggest Applicant's invention. As such, Applicant submits that amended claim 1 as well as the associated dependent claims, including claim 9, embodies patentable subject matter. Accordingly, Applicant respectfully requests that this be withdrawn as a basis for rejection.

Claim 10 is rejected under 35 USC §103 as being unpatentable over Matsuda in view of Redmann et al. U.S. Patent No. 5,696,892.

Applicant respectfully requests reconsideration of dependent claim 10 in view of the present amendment whereby additional limitations were included in independent claim 1

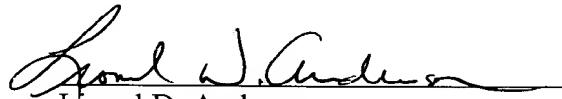
which is now believed to be in condition for allowance; accordingly, claim 10 is also believed to be in condition for allowance. As such, Applicant respectfully requests that this be withdrawn as a basis for rejection.

From the foregoing, Applicant submits that none of the present claims are anticipated or obvious over any permissible use of the prior art of record. Accordingly, the claims herein define patentable subject matter and are in condition for allowance. As such, Applicant respectfully requests that such action be taken towards these ends.

In view of the present amendment and foregoing remarks, reconsideration of the above rejections and advancement of the present case to issue is respectfully requested.

Attached hereto is a marked-up version of the changes made to the abstract, specification and claims by the current amendment. The attached page is captioned "Version with Markings to Show Changes Made."

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Lionel D. Anderson", written over a horizontal line.

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE ABSTRACT:

A new abstract has been added.

IN THE SPECIFICATION:

Paragraph beginning at line 17 of page 1 has been amended as follows:

An associated characteristic of the Web which is markedly different from real life is the elimination of the sense of a “metric.” There is no such as being “proximity” on the Web, and while in many situations this is a positive factor, it removes the sense of anticipation or foreseeability that is fundamental to human experience. Since all human senses are geared toward discriminating distance to prioritize reaction, Web experiences, in contrast, may tend to amplify the sense of unreality.

Paragraph beginning at line 18 of page 4 has been amended as follows:

The visitor icons would preferably have unique configurations which could be chosen by the visitor from a selection or created based on the profile information. The user could “walk” the icon about the site. This would cause the icon to move slowly in an intended direction. During this “walk” information could be provided to the visitor about the correlation of her profile with the profiles of other visitors currently on the site. Alternatively, the icon could display the profile information or some information about that visitor derived from the profile information. The walk would be interrupted while visitors chat with one another.

Paragraph beginning at line 4 of page 6 has been amended as follows:

A Common Metric is when the geographic terrain on which the various visitors are located is common to all, so that one person can approach the other person by reducing the distance between the two, by pointing in the direction of the target person and applying velocity, for example. To accommodate many visitors (avoid overcrowding), and in order to take advantage of the preferences and habits of a person (a music lover may want to be close to the music store), Customized Metrics may be used to rearrange the reference points particular to a given person [is created]. For example, if person A prefers to be closest to the Music Store, then to the Sporting Goods Store, then to the Arcade, the Customized Metric may be used to create a set of relative distances between the three stores as well as the entry to the Virtual World, to achieve a desired effect. In this case, a set of Customized Metrics may be attached to a person, indicating how their “view” of the Virtual World should be constructed. This can be represented by a set of vectors which describes the location of each “Store” or other landscape feature particular to the person.

Paragraph beginning at line 1 of page 15 has been amended as follows:

Self versus Avatar. A character according to the invention may also be a Self or an Avatar. One possible element is used to distinguish a Self character and an Avatar visually (such as a halo on the character icon); another element is to allow each visitor to have one Self and a finite number Avatar. Other modalities could be used to confine the Self and Avatars to different worlds, or to facilitate different rules of interaction among Self-Self, Self-Avatar, and Avatar-Avatar encounters. For example, Avatar-Avatar can tolerate physical combat, while Self-Avatar cannot. Another example is for Avatar to be able to see a Self, but cannot talk to a Self etc. Another element is for the development of a Self character follows one set of rules while the development of an Avatar follows another set of rules.

IN THE CLAIMS:

Claim 1 has been amended as follows:

1. (Amended) A method of user interaction on the world-wide web, comprising the steps of:

defining a virtual world using at least one web site, the virtual world including a virtual geographic terrain with a set of virtual locations;

displaying the virtual geographic terrain and virtual locations to a plurality of visitors to the virtual world, each being interconnected to the web site through the world-wide web;

identifying each visitor to the virtual world with a symbol superimposed on the geographic terrain;

providing a facility whereby visitors may traverse virtual geographic terrain and visit virtual locations by moving the symbols;

predicting a next location where a visitor might traverse within the virtual world based upon previous symbol movements;

caching information to provide a more immediate presentation of the next location; and

establishing a common metric with respect to each visitor, enabling one visitor to interact with another visitor in accordance with the metric.

Claim 7 has been canceled.